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10/016,575	12/17/2001	Aamer Ahmad Sarfraz	**VE-0002	3269

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EXAMINER
GRAHAM, CLEMENT B

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3696	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/016,575	SARFRAZ ET AL.
	Examiner	**Art Unit**	
	Clement B. Graham	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 June 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *31-53* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *31-53* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *12/17/01*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 has been cancelled and claims 31-51 remained pending and claims 52-

53 has been added.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

Claims 31, 38, 45, are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites

"maintaining" " receiving" transmitting", however these steps are mere ideas in

the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not

apply, involve, for example) and abstract ideas without a practical application are

found to be non-statutory subject matter. Therefore, Applicant's claims are non-

statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4. Claims 31-53, are rejected under 35 U.S.C. 103(a) as being unpatentable over

MaKipaa et al (Hereinafter MaKipaa Patent NO: 6, 394, 341) in view of Hoffman US

Pub: 2002/0109007.

   As per claim 31, MaKipaa discloses a method of storing receipts comprising:

instantiating a database of electronic receipts coupled to a server, each receipt

associated with a wherein each receipt includes a list of items purchased during a cash

transaction and unique transaction identification information for the cash transaction;

receiving, at the server, a request for a specific electronic receipt associated with a specific receipt card account number from a remote device and transmitting, from the server, information indicative of said specific electronic receipt to said remote device (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

MaKipaa fail to explicitly teach receipt card having a magnetic strip encoded with information that identifies an electronic address of the database and information that identifies a user account number.

However Hoffman discloses the present invention, the retail terminal generates a paper receipt (shown as held by the consumer 32 in FIG. 1) for a purchase transaction between the consumer and the store. The retail terminal also generates a corresponding digital receipt for the purchase transaction. The paper receipt is given to and retained by the consumer while the digital receipt is forwarded to a storage location such as a data warehouse or onsite data storage device. In accordance with an aspect of the present invention, regardless of the storage device and/or location thereof, the digital receipt is assigned a storage address that is accessible via the network by a network enabled apparatus that is connectable to the network. Additionally, the address for the stored digital receipt is encoded and/or printed onto the paper receipt preferably in a scannable or machine-readable format. The encoded address may be printed onto any medium other than the paper receipt if desirable. The address may also be encoded on to a magnetic strip such as is readable by a card reader (see column 3 para 0034 and para0039).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of MaKipaa to include receipt card having a magnetic strip encoded with information that identifies an electronic address of the database and information that identifies a user account number taught by Hoffman in order to provide digital receipts generated as a result of a purchase transaction more particularly, to the storage thereof and access to a digital receipt generated as a result of a purchase transaction.

As per claim 32, MaKipaa discloses wherein said request for said specific electronic receipt is from a computer system located at a business. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 33, MaKipaa discloses wherein said receiving: request for said specific electronic receipt is from a customer' s computer system. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 34, MaKipaa discloses wherein said unique transaction identification information further comprises:

the identity of the retailer who participated in said transaction, a transaction number, a gross amount, a sales tax, the a date of said transaction, and the a time of said transaction. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 35, MaKipaa discloses further comprising:

receiving, at the server, a request for a plurality of receipts associated with the specific receipt card account number. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 36, MaKipaa discloses further comprising:

receiving, at the server, a first electronic receipt associated with a first receipt card account number from a point of sale device; and

storing, by the server, the first electronic receipt in the database.

As per claim 37, MaKipaa further comprising:

receiving, at the server, a request for a transaction history associated with a receipt card account number (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 38, MaKipaa discloses a computer readable storage medium including computer executable instructions that, when executed by a server, cause the server to store receipts by a method comprising:

generating a database of electronic receipts in a database each account number, wherein each receipt includes a list of items purchased during a cash transaction and

unique transaction identification information for the cash transaction (see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62)

receiving a request for a specific electronic receipt associated with a specific receipt card account number from a remote device and transmitting information indicative of said specific electronic receipt to said remote device (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

MaKipaa fail to explicitly teach receipt associated with a receipt card having a magnetic strip encoded with information that identifies an electronic address of the database and information that identifies a user account,

However Hoffman discloses the present invention, the retail terminal generates a paper receipt(shown as held by the consumer 32 in FIG. 1) for a purchase transaction between the consumer and the store. The retail terminal also generates a corresponding digital receipt for the purchase transaction. The paper receipt is given to and retained by the consumer while the digital receipt is forwarded to a storage location such as a data warehouse or onsite data storage device. In accordance with an aspect of the present invention, regardless of the storage device and/or location thereof, the digital receipt is assigned a storage address that is accessible via the network by a network enabled apparatus that is connectable to the network. Additionally, the address for the stored digital receipt is encoded and/or printed onto the paper receipt preferably in a scannable or machine-readable format. The encoded address may be printed onto any medium other than the paper receipt if desirable. The address may also be encoded on to a magnetic strip such as is readable by a card reader (see column 3 para 0034 and para0039).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of MaKipaa to include receipt associated with a receipt card having a magnetic strip encoded with information that identifies an electronic address of the database and information that identifies a user account taught by Hoffman in order to provide digital receipts generated as a result of a purchase transaction more particularly, to the storage thereof and access to a digital receipt generated as a result of a purchase transaction.

As per claim 39, MaKipaa discloses wherein said request for said specific electronic receipt is from a computer system located at a business. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 40, MaKipaa discloses wherein said request for said specific electronic receipt is from a customer's computer system. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 41, MaKipaa discloses wherein said unique transaction identification information further comprises:
the identity of the retailer who participated in said transaction, a transaction number, a gross amount, a sales tax, a date of said transaction, and a time of said transaction. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 42, MaKipaa discloses further comprising:
receiving a request for a plurality of receipts associated with the specific receipt card account number. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 43, MaKipaa discloses further comprising:
receiving a first electronic receipt associated with a first receipt card account number from a point of sale device; and
storing the first electronic receipt in the database. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 44 MaKipaa discloses further comprising:
receiving a request for a transaction history associated with a receipt card account number. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 45, MaKipaa discloses a system for storing receipts comprising: a component configured to generate maintain electronic receipts in a database each receipt associated with a account number, wherein each receipt including includes a list of items purchased during a cash transaction and unique transaction identification information for the cash transaction(see column 6 lines 12-20 and column 8 lines 12-23

and column 10 lines 11-62) a component configured to receive a request for a specific electronic receipt associated with a specific receipt card account number from a remote device; and

a component configured to transmit information indicative of said specific electronic receipt to said remote device (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

MaKipaa fails to explicitly teach receipt card having a magnetic strip encoded with information that identifies an electronic address of the database and information that identifies a user account,

However Hoffman discloses the present invention, the retail terminal generates a paper receipt (shown as held by the consumer 32 in FIG. 1) for a purchase transaction between the consumer and the store. The retail terminal also generates a corresponding digital receipt for the purchase transaction. The paper receipt is given to and retained by the consumer while the digital receipt is forwarded to a storage location such as a data warehouse or onsite data storage device. In accordance with an aspect of the present invention, regardless of the storage device and/or location thereof, the digital receipt is assigned a storage address that is accessible via the network by a network enabled apparatus that is connectable to the network. Additionally, the address for the stored digital receipt is encoded and/or printed onto the paper receipt preferably in a scannable or machine-readable format. The encoded address may be printed onto any medium other than the paper receipt if desirable. The address may also be encoded on to a magnetic strip such as is readable by a card reader (see column 3 para 0034 and para0039).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of MaKipaa to include receipt card having a magnetic strip encoded with information that identifies an electronic address of the database and information that identifies a user account taught by Hoffman in order to provide digital receipts generated as a result of a purchase transaction more particularly, to the storage thereof and access to a digital receipt generated as a result of a purchase transaction.

As per claim 46, MaKipaa discloses wherein said request for said specific electronic receipt is from a computer system located at a business (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 47, MaKipaa discloses wherein said request for said specific electronic receipt is from a customer's computer system (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 48, MaKipaa discloses wherein said unique transaction identification information further comprises:

the identity of the retailer who participated in said transaction, a transaction number, a gross amount, a sales tax, a date of said transaction, and a time of said transaction. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 49, MaKipaa discloses wherein said request for a specific electronic receipt associated with a specific receipt card account number from a remote device further comprises:

a request for a plurality of receipts associated with the specific receipt card account number. (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 50, MaKipaa discloses further comprising:

a component configured to receive, at the server, a first electronic receipt associated with a first receipt card account number from a point of sale device; and a component configured to store the first electronic receipt in the database (see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 51, MaKipaa discloses further comprising:

a component configured to receive, at the server, a request for a transaction history associated with a receipt card account number (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

As per claim 52, MaKipaa discloses a receipt card method, the method comprising: generating point of sale data for a transaction, wherein the point of sale data identifies an item and a purchase price for the item (see column 6 lines 12-20 and column 8 lines

12-23 and column 10 lines 11-62) receiving a form of payment for the transaction, wherein the form of payment is one of cash and a check, generating unique transaction identification information (see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62) generating an electronic receipt that identifies the point of sale data, the account number, the unique transaction identification information, and the form of payment(see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62) and transmitting the electronic receipt to the electronic address of the receipt card server (see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

MaKipaa fails to explicitly teach receiving a receipt card on which is imprinted an account number that identifies an electronic address of a receipt card server and identifies a user account, wherein the receipt card comprises a plastic housing having a front face whereon the account number is embedded and a rear face whereon the account number is encoded in a magnetic strip.

However Hoffman discloses the present invention, the retail terminal generates a paper receipt(shown as held by the consumer 32 in FIG. 1) for a purchase transaction between the consumer and the store. The retail terminal also generates a corresponding digital receipt for the purchase transaction. The paper receipt is given to and retained by the consumer while the digital receipt is forwarded to a storage location such as a data warehouse or onsite data storage device. In accordance with an aspect of the present invention, regardless of the storage device and/or location thereof, the digital receipt is assigned a storage address that is accessible via the network by a network enabled apparatus that is connectable to the network. Additionally, the address for the stored digital receipt is encoded and/or printed onto the paper receipt preferably in a scannable or machine-readable format. The encoded address may be printed onto any medium other than the paper receipt if desirable. The address may also be encoded on to a magnetic strip such as is readable by a card reader (see column 3 para 0034 and para0039).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of MaKipaa to include receiving a receipt card on which is imprinted an account number that identifies an electronic address of a

receipt card server and identifies a user account, wherein the receipt card comprises a plastic housing having a front face whereon the account number is embedded and a rear face whereon the account number is encoded in a magnetic strip taught by Hoffman in order to provide digital receipts generated as a result of a purchase transaction more particularly, to the storage thereof and access to a digital receipt generated as a result of a purchase transaction.

As per claim 53, MaKipaa discloses wherein generating unique transaction identification information further comprises generating unique transaction identification information including information selected from a group of information consisting of an identity of the retailer, a transaction number, a gross amount, a sales tax amount, the data, and the time(Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

Conclusion
RESPONSE TO ARGUMENTS

5. Applicant's argument filed 6/10/08 has been fully considered but they are moot in view of new grounds of rejection.

6. In response to Applicant's argument that MaKipaa fail to teach or suggest" receiving a receipt card on which is imprinted an account number that identifies an electronic address of a receipt card server and identifies a user account, wherein the receipt card comprises a plastic housing having a front face whereon the account number is embedded and a rear face whereon the account number is encoded in a magnetic strip and receipt card having a magnetic strip encoded with information that identifies an electronic address of the database and information that identifies a user account number. " the examiner disagrees with Applicant's because these limitations were addressed with a combination of teachings as stated.

MaKipaa discloses a method of storing receipts comprising: instantiating a database of electronic receipts coupled to a server, each receipt associated with a wherein each receipt includes a list of items purchased during a cash transaction and unique transaction identification information for the cash transaction;

receiving, at the server, a request for a specific electronic receipt associated with a specific receipt card account number from a remote device and transmitting, from the server, information indicative of said specific electronic receipt to said remote device (Note abstract and see column 6 lines 12-20 and column 8 lines 12-23 and column 10 lines 11-62).

However Hoffman discloses the present invention, the retail terminal generates a paper receipt (shown as held by the consumer 32 in FIG. 1) for a purchase transaction between the consumer and the store. The retail terminal also generates a corresponding digital receipt for the purchase transaction. The paper receipt is given to and retained by the consumer while the digital receipt is forwarded to a storage location such as a data warehouse or onsite data storage device. In accordance with an aspect of the present invention, regardless of the storage device and/or location thereof, the digital receipt is assigned a storage address that is accessible via the network by a network enabled apparatus that is connectable to the network. Additionally, the address for the stored digital receipt is encoded and/or printed onto the paper receipt preferably in a scannable or machine-readable format. The encoded address may be printed onto any medium other than the paper receipt if desirable. The address may also be encoded on to a magnetic strip such as is readable by a card reader (see column 3 para 0034 and para0039).

Therefore it is obviously clear that Applicant's claimed limitations were addressed with the teachings of MaKipaa and Hoffman.

7.   Applicant's claims 45, 50-51, states "configured to maintain, configured to receive, configured to transmit, configured to store"

However the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

(A)   statements of intended use or field of use,

(B)   "adapted to" or "adapted for" clauses,

(C)   "wherein" clauses, or

(D)   "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

**>USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").<Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed.Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." Multiform Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

CG   /Frantzy Poinvil/
OCT 12, 2008   Primary Examiner, Art Unit 3692